

KANSAS AND THE COMPROMISES.

SPEECH OF HON. JESSE O. NORTON, OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES, AUGUST 9, 1856.

Mr. NORTON. Mr. Chairman, I am aware of the seeming folly of undertaking to make a speech on the Kansas question, on which already so much has been said, in and out of this House. But I am justified in so doing by the circumstances by which I am surrounded. The relations of Illinois to the Missouri Compromise are peculiar. When Missouri presented her Constitution, and asked for admission into the Union as a State; when the attendant excitement was at its height; when passion had dethroned reason, and assumed its seat; when dark and dismal forebodings filled the souls of the purest patriots of the land; when the spirit of conciliation seemed to have departed; when men's faces were set as a flint against each other, and their hearts were impenetrable either to the dictates of wisdom or justice; when clouds, dark and portentous, hung upon the political horizon, threatening destruction to this glorious fabric of our Union—a Senator from Illinois brought forward the Missouri Compromise, and tendered it to the contending factions as the olive-branch of peace. It was accepted. Passion subsided; reason resumed her throne; the clouds were dispersed; peace returned; and the business of the country flowed on afresh in its ordinary channels. The measure stood for more than thirty years, as a monument to the honor of its projector, and to the patriotism of those who supported it. Time went on, and in an evil hour another Senator from Illinois, guided by unfortunate if not by wicked counsels, introduced into the co-ordinate branch of the National Legislature a bill abrogating and declaring null and void this healing measure. That measure was by him forced through the Senate, in defiance of public sentiment, and in spite of all remonstrances, appeals, and warnings—a measure which I, in common with the great majority of the people of Illinois, look upon, not only as replete with danger to our institutions, but as one of the most stupendous wrongs ever perpetrated in an American Congress. Upon the Kansas-Nebraska act, that Senator has staked his political fortunes, and he has upheld, maintained, and defended it, with a zeal, a boldness, and ability, worthy, sir, of a better cause. For his efforts in this behalf, he has been advanced to the leadership of the Democratic party, not only here in Congress, but throughout the coun-

try. Yes, sir, by force of this great wrong which he has done to the State which has honored him, and to the peace of the Republic, he has become the inaugurated and acknowledged head of his party. He was pressed forward at Cincinnati as a prominent candidate for the Presidency; and although he was not nominated to that high office, he succeeded in securing—what he claims to be a far greater triumph—the adoption of the Kansas-Nebraska act by the Democratic party, as the main plank in their platform.

But this is not the only connection which my State has had with the inception and abrogation of the Missouri compact. It is well known that the member of this House upon whose shoulders was cast the burden of carrying the repeal in this body, was a Representative of Illinois. For his zeal and fidelity, if not to the sentiments of his own State, and to the solemn sanctions of plighted faith and ancient compacts, yet to the behests of his party in its mad determination to force this measure upon the country at all hazards, he was made its standard-bearer in the contest for the Speakership. They adhered to him for weeks and weeks, as a reward for his faithfulness. Not only this—in Illinois, the Democratic party have thrown down the gauntlet at our feet, and made the issue as boldly as Douglas could desire. They not only made the Kansas-Nebraska act, this cherished offspring of his, the shibboleth of party fealty, but they have done more; they have selected my colleague [Mr. RICHARDSON] as their candidate for Gubernatorial honors, to give additional force and impressiveness to the principles of that act. With these facts before me, if I had no other reason, it is sufficient excuse for my occupying the attention of the Committee this evening.

Mr. Chairman, I charge that the Missouri Compromise was repealed on false pretences, and against the sense and will of the great body of the American people. I charge that its repeal has been the cause of all the excitement that has agitated the country on the Slavery question, for the last two years. I charge that it was repealed for the purpose of extending Slavery into Kansas. I charge that the Democratic party in the Northern States, and particularly in the State of Illinois, have entirely changed front upon this question during the last four or five years; and,

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before I get through, I will show, not by mere newspaper scraps or idle rumors, or from irresponsible quarters, but from authoritative sources, from indisputable records, that the Democrats of Illinois stood upon the same platform, in former times, as the Republican party of that State now occupy; and if we are to be denounced, because of our position, as we have been from one end of the State to the other, by the orators of the Democratic party, great and small, as abolitionists, fanatics, and traitors, then the leading Democrats of Illinois, with Douglas and Richardson at their head, are traitors, fanatics, and abolitionists, also.

But first, sir, I have said that the Missouri Compromise was repealed under false pretences. It was said, and the bill itself contained that proposition, that the Missouri Compromise had been repealed by the Compromise Measures of 1850. It would be a sufficient answer, sir, to that proposition, to ask why, if the Missouri Compromise had been repealed in 1850, Mr. Douglas, in 1854, desired to repeal it again? Was not one repeal sufficient? If by the Compromise Measures of 1850 it was superseded, which I take to be the same thing as repealed, why, at the risk of all the excitement attendant upon such a measure, did he seek in 1854 again to repeal it? If it was dead and buried, why not let the dead rest? But, sir, if it was repealed by the Compromise Measures of 1850, how silently, how cautiously, how stealthily, it must have been done! If the Missouri Compromise was to be repealed by those measures, if that was the intention, why did no man either in this House or at the other end of the Capitol speak of it during all the discussion. Sir, there had never occurred in Congress, up to that day, a debate in which there was exhibited a greater display of learning, argument, or oratory, than marked the debate upon those measures—every proposition was sifted to the bottom. Why, then, did no one hear of the repeal of the Missouri Compromise in 1850? Why did no man dream of it? Was ever such a measure—one that had stood upon our statute book over thirty years, as a guarantee of the harmony and peace and union of these States—repealed by Congress in such a way?

Mr. Chairman, no man will pretend that the Missouri Compromise was repealed in direct terms by the measures of 1850. But we are told that it was superseded by the principles of those measures. A more absurd or indefensible proposition was never put forth. The Compromise resolutions of Mr. Clay were confined exclusively to Mexican territory. The Territorial bills that passed that Congress, with a very slight exception, with regard to New Mexico, were confined to the territory acquired from Mexico, and could not by any possibility refer to the territory obtained from France in the Louisiana purchase. Is not that so? Dare any man deny it? But let us look a little further into that question. I shall undertake to show that the Compromise Measures of 1850 not only did not repeal the Missouri Compromise, but that, if they did anything, they reaffirmed it. What, then, were the reasons urged, why the Wilmot Proviso ought not to be applied to the Territories of New Mexico and Utah, the only ones then under

consideration, after California had been admitted as a State? Was it upon the ground now assumed by the Democratic party? Was it upon the ground assumed in the repeal of the Missouri Compromise? Was it upon the ground now urged in defence of that great wrong upon the country? Not at all. Mr. Webster urged that the Wilmot Proviso ought not to be applied to these Territories, because they had already been made free by the act of God, and he would not reaffirm the enactments of Jehovah. Not because Mr. Webster did not believe that Congress had the power to prohibit Slavery in the Territories, and ought to exercise it when necessary—for he ever held and declared that doctrine—but because he regarded it as already prohibited by the act of God and of nature. He deemed it unnecessary.

What was the reason that Mr. Clay assigned why the Wilmot Proviso should not be applied to the territory purchased from Mexico? Mr. Clay took the ground that it was utterly useless, because Slavery had been already prohibited there by the laws of Mexico, and that those laws still remained in force in Utah and New Mexico. That was the reason which the illustrious statesman of Kentucky urged; and he went further, and said that it was clear and indisputable that the act of Mexico prohibiting Slavery in her dominions still remained the law of New Mexico and Utah, and would so remain until repealed by Territorial act, or by the Congress of the United States. And yet, sir, the name of that great man—who always stood upon conservative ground, loving all sections of the Union, and willing to stand under the same flag with the true men of all parts of his country, extending one hand to the North and the other to the South, and beseeching both sections to live as brethren—has been forced into this controversy by gentlemen upon the opposite side, and he is claimed as authority for the monstrous assumption that the Compromise Measures of 1850 repealed the Missouri Compromise! Sir, there never was a greater perversion of any man's position or sentiments. The name and fame of the great Commoner has been identified for a third of a century with that compact, but never with its abrogation.

But, sir, I come now to some Illinois authority. I want to show what were the reasons given by our Democratic leaders, why the Wilmot Proviso should not be attached to the Utah and New Mexico bills. I propose out of their own mouths to condemn them. I propose to show, that when they voted for those bills, they voted for them with the understanding, the distinct and unequivocal avowal, that Slavery was prohibited in those Territories by the Mexican laws, as effectually as it was in Kansas and Nebraska by the act of 1820; and that they would continue in force after the passage of those bills. I will read first from a speech delivered on the 3d of April, 1850, upon the Compromise Measures, or the Slavery question, as it was then discussed by my colleague from the Quincy district, [Mr. RICHARDSON,] who is now the Democratic candidate for Governor of the State of Illinois. In that speech he made use of the following language:

"I have sought in vain, to hear some reason for the passage of the Wilmot Proviso. There is a necessity to abolish or prohibit Slavery in Territories where it exists.

With this view, the Ordinance of 1787 was passed. It had application to territory where Slavery did exist by operation of the laws of Virginia, to which the Northwestern Territory belonged. The Missouri Compromise also abolished Slavery north of 36° 30'. That Compromise was passed, not to keep the Territory free north of that latitude, but because the laws of Louisiana, when we acquired it, recognised Slavery, and carried it, consequently, unless repealed, to all the Territory. But I maintain, sir, that Slavery is the creature of municipal law, and does not and cannot exist one moment without it. If territory is free, there is no necessity to pass any law—it will remain so.

The people of the non-slaveholding States believe that the territory we acquired from Mexico, by the treaty of peace brought with it the laws not inconsistent with our Constitution, and that those laws excluded Slavery. If there is any Representative from the non-slaveholding States that deni s either of these propositions, I ask him to rise in his place and say so. There are none who can or dare deny it.

“This is a universal sentiment at the North”

That was the opinion of Mr. Richardson in regard to the position of those Territories at that time—and, mark you, he goes on to say that the Missouri Compromise prohibited Slavery in territory north of 36° 30'. Why did he not add at that place the words, “which we are now about to repeal?” Sir, his position then was, that Utah and New Mexico stood upon precisely the same ground as Kansas and Nebraska did, and that both were free—the one by the laws of Mexico, and the other by the act of 1820.

Well, sir, I will now read a little higher authority of the same sort. I want to read from an authority that is not only good in itself, but that is peculiarly good with the Democratic party, and superlatively good with that party in the State of Illinois; and I mean to show that if those of us who opposed the repeal of the Missouri Compromise are traitors, abolitionists, and fanatics, we have a mighty host of them in the State of Illinois, with the champion of the repeal at their head. I will read from Mr. Douglas's celebrated speech of March, 1850, on the Compromise Measures, to show what he thought about Slavery being prohibited in Utah and New Mexico. He says:

“This is the doctrine of the Supreme Court of the United States, in an opinion delivered by Chief Justice Marshall, and concurred in by all the Judges. I could quote many other decisions of the same court, to the same effect, but this will suffice. Thus it appears, that when we acquired New Mexico and California, the act or treaty which transferred to us the territory, also transferred with it all the laws in force at the time, except those relating to the allegiance of the inhabitants to the Government of Mexico. This rule is, of course, subject to the further limitation of such laws as were inconsistent with the Constitution of the United States and the fundamental principles of our Government. Of this character is the law creating an established Church, as a part of the Government of the State. That, and all other laws inconsistent with our form of Government, became void by the treaty. But a law adopted by the people themselves, prohibiting Slavery, cannot be deemed of that character. Slavery, then, is prohibited in all the country acquired from Mexico, by a fundamental law—a constitutional provision adopted by the inhabitants of the country, and which must continue in force forever, unless repealed by competent authority. This doctrine is not new with me, nor is it now advanced by me for the first time. I advanced it the first time the Wilmot Proviso was ever proposed in the House of Representatives, as an amendment to the two million bill.”

“And must continue in force forever, unless repealed by competent authority!” Sir, have they ever been repealed? Are they not still in force? I ask any member here to tell me if the Territorial acts for Utah or New Mexico ever undertook to repeal or squint at the idea of repealing the

Mexican laws, during the term of their Territorial existence? No, sir; the people there were to form their own Constitution in such manner as they chose; and this was all. No change was made in their condition, in this regard, during their Territorial existence.

Sir, this provision, thrust into the middle of the Kansas-Nebraska bill, saying that the Missouri Compromise was superseded by the principles of non-intervention contained in the acts of 1850, was palpably false in itself, the fact being directly the reverse; and if there was any doctrine of non-intervention established by the acts of 1850, then, sir, that doctrine required Mr. Douglas and the Democratic party to leave the Missouri Compromise in full force. And why, sir? Because they left the Mexican law in full force, during the Territorial existence of the Territories organized by those acts. They left them in 1850 as they found them, with Slavery prohibited. They did not intervene upon the subject; and if they had followed the spirit or letter of those acts, then, sir, in 1854 they would have left Nebraska and Kansas as they found them, with Slavery prohibited by the act of 1820. From that conclusion, I defy their ingenuity or their boldness to extricate them. I might add, that two years afterwards it was stated openly in the Senate, by Mr. Atchison, and without contradiction, that the Missouri Compromise was not repealed. Mr. Douglas, in his first report on his first Nebraska bill, in 1854, took the ground that they did not propose to repeal it. I may be allowed to refer, also, as a part of the history of the times, to the fact that the organ of the Democratic party, the *Washington Union*, proclaimed to the country, when Senator Dixon proposed this repeal, that he was endangering the peace of the country, and renewing the terrible excitements of 1820 and of 1850. And yet, sir, every man in this free land of ours, who dares to raise his voice against that giant wrong, is denounced as a traitor, an abolitionist, and a fanatic!

Mr. Chairman, another of the pretences set up in favor of the repeal of the Missouri Compromise, and the only one that gave it any credit in the free States, was the vaunted idea of “popular sovereignty.” In the discussion of this point I shall have to be very brief, as I see that my time is fast passing away. Popular sovereignty! Why, sir, what is popular sovereignty? It is the right of the people to govern themselves. Government, as we all know, is divided into three departments—Legislative, Executive, and Judicial. If you have popular sovereignty in any just sense, the people have a right to make their own laws, to adjudicate upon those laws, and to enforce them. “Popular sovereignty” is no popular sovereignty, unless the people have all these rights. Where did the Kansas-Nebraska bill leave the Executive power of those Territories—that mighty power, which, when removed from the people, has always trampled under foot their rights, and crushed out their liberties? Is it left with the people of Kansas? Not a bit of it. It is in the hands of the President of the United States. Where is the Judiciary? Sir, it would be a sufficient answer to tell you that Lecompte is judge in Kansas;

sufficient to satisfy every man's judgment that the people of that Territory had no control over their Judiciary. The judicial authority is in the hands of the Executive at Washington, and yet you tell us that the people of Kansas have popular sovereignty.

Popular sovereignty! with Shannon for Governor. How long would he have ruled in Kansas, if the people had had a right to elect their own Governor, or to impeach or to remove him? Popular sovereignty—with a Bench controlling the destinies of that people, and determining their rights of life, liberty, and property, under such a monster as Lecompte! How long would he have disgraced the annals of our judicial history, if the people of Kansas had had popular sovereignty, and the right to say who should be their judges? But what did they have? Did they have a Territorial Legislature? They did not even have that. A Governor, appointed by your President, could veto any law they passed, and then it would require two thirds to pass it over his head. Over him they had no control, and in his election they had no more to say than the man in the moon had. And that is popular sovereignty. Sir, in the two departments of Government first named, the people of Kansas were given no more authority than pertains to the peasants of England, the subjects of Austria, or the serfs of Russia—in the last but in form. Sir, popular sovereignty, as embodied in the Kansas-Nebraska bill, is the most delusive dream, the most arrant humbug, ever foisted upon any people. And yet, strange to say, that was the doctrine which gained for the author of this cruel measure all his adherents in the free States.

But, sir, how has this popular sovereignty, as proclaimed in Congress, been carried out by a Democratic Administration? Why, sir, from first to last, that Territory has been overrun by mobs and Border Ruffians, and hordes of men possessing as little of humanity in their bosoms, and as little regard for law and order and justice, as did the hordes of Goths and Vandals that came down from the North upon the plains of Europe in the dark ages, sweeping away in their fiery march every trace of civilization that lay in their pathway, and leaving that pathway marked alone by desolation, darkness, and blood. Sir, these Missourians came down upon the unoffending citizens, like the wolf on the fold. They came in companies of tens, and twenties, and fifties, and hundreds—armed men, men on horseback and on foot, in wagons and with tents. They came with great noise and confusion. And what have they done? They have seized on the ballot-boxes. They have driven gray-headed men and young men from the polls. They have trampled under foot the elective franchise. They have subjugated the Territory. They have usurped the authority of the Legislature, and made a Legislature of their own; and under this usurped authority they have passed a code of laws as bloody as the code of Draco, a disgrace to the nineteenth century. They came with music and banners, and the implements of death; they returned with garments stained with blood, and left behind them murdered men and smouldering ruins. And this is popular sovereignty in Kansas,

under a Democratic Administration, under a Democratic law.

Mr. Chairman, it is admitted by the gentleman from Missouri, [Mr. OLIVER,] that these men went into Kansas determined to vote. It is admitted by Senator Douglas, that seven of the Legislative districts of the Territory were invaded by Border Ruffians; and the report of the Investigating Committee shows, beyond all controversy, that the Territory of Kansas is actually subjugated under the feet of these usurpers, and that its people have been driven from the polls, deprived of the right of franchise—and men, women, and children, have been compelled to flee for safety to the prairies, by the light of their own burning dwellings. Sir, Lecompte, in whose hands are the lives, liberties, and fortunes of these people, would have been a fit associate of Jeffreys of England, of infamous memory, if he had his ability; and Shannon, as he looked without emotion upon the smouldering ruins of Lawrence, was but an epitome of that besotted and cruel Emperor, who fiddled while Rome was burning. Such, sir, is popular sovereignty, as it has been illustrated in Kansas. Sir, it was left for the year of grace 1854, for this thing to be discovered. The men who passed the Ordinance of '87, those glorious old patriots who had just come out of the fires of the Revolution, were children in their knowledge of the rights of man and the privileges of citizenship! The men of 1820, who passed the Missouri Compromise, were also children in the science of government and the doctrine of popular sovereignty. Ah, sir, the men of those times, though they had gained the applause of the civilized world for learning, statesmanship, and valor, were all pigmies, compared with the Senator from Illinois, in the principles of popular sovereignty and of republican government.

Mr. Chairman, another of the pretences under which the Missouri compact was broken down is the allegation that it had been forced on the South, in derogation of Southern rights. Now, sir, as I have already stated, that proposition was originally brought forward in the Senate by Mr. Thomas, of Illinois, but he uniformly acted with Southern men during that struggle. And, sir, it was renewed and carried through, in the Committee of Conference, by Mr. Pinkney, of Maryland—a man distinguished alike for his lofty patriotism, profound statesmanship, and brilliant genius. The naked proposition to prohibit Slavery in the territory north of 36° 30' was voted for by a majority of Southern men, both in the Senate and in this House; and, when united with the proposition to admit Missouri as a State, it carried almost every Southern vote in both branches of Congress. Every man who will examine the Journals of Congress will admit this fact. When gentlemen assume that this measure was forced upon the South, they must blot out the Journals of Congress, they must efface the records of history, they must obliterate the fact that the act was signed by a Southern President, sanctioned by a Southern Cabinet, and proclaimed to the world by a distinguished Representative from South Carolina, at the very moment of its passage, as "*a Southern triumph!*" Sir, they must strike from the list of Southern statesmen

the honored names of King, and Pinkney, and Lowndes, and Clay.

But I wish to give a little Illinois authority on this question. I will read from a speech made by my colleague of the Springfield district, [Mr. HARRIS:]

"But, Mr. Chairman, we are told that the North seeks to exclude the South from these Territories, and thereby confer exclusive benefits upon themselves. I am not aware, Mr. Chairman, of any design so to exclude the South, nor do I perceive how any inequality of rights would be established, either by the admission or exclusion of Slavery."

"We are told that the Missouri Compromise was another aggressive measure; but was not this, too, a Southern measure? It passed the House of Representatives by a majority of Southern votes—thirty-eight Southern votes being for it, and thirty seven against it; while of the Southern States, Delaware, Maryland, North Carolina, Alabama, Mississippi, Tennessee, and Kentucky, voted for it, either by their entire delegations, or majorities of them; and Virginia, Georgia, and Louisiana, voted against it—South Carolina being divided in her vote. If this measure is one, then, which has disturbed the equilibrium spoken of, it can by no means be charged upon the North."

I also read to the Committee, from some remarks made by Mr. DOUGLAS, during the same Congress, in which he said:

"The next in the series of aggressions complained of by the Senator from South Carolina, is the Missouri Compromise—the Missouri Compromise, an act of Northern injustice, designed to deprive the South of her due share of the Territories! Why, sir, it was only on this very day that the Senator from Mississippi despaired of any peaceable adjustment of existing difficulties, because the Missouri Compromise line could not be extended to the Pacific! That measure was originally adopted, in the bill for the admission of Missouri, by the union of Northern and Southern votes."

"The Territories belong to the United States as one people, one nation, and are to be disposed of for the common benefit of all, according to the principles of the Constitution. Each State, as a member of the Confederacy, has a right to a voice in forming the rules and regulations for the government of the Territories; but the different sections—North, South, East, and West—have no such right. It is no violation of Southern rights to prohibit Slavery, nor of Northern rights to leave the people to decide the question for themselves. In this sense, no geographical section of the Union is entitled to any share of the Territories. The Senator from South Carolina will therefore excuse me for expressing the opinion, that all of his complaints against the North, under this head, are predicated upon one great fundamental error—the error of supposing that his particular section has a right to have a 'due share of the Territories' set apart and assigned to it."

Such were the opinions of those gentlemen at that time. Then they believed, as I do now, that no wrong had been done to the South by the passage of this act. They were both defending the North against this charge of aggression. But parties have changed; and these gentlemen, ever obedient to the behests of party, are ready to join in sustaining a charge which they then repudiated. Amiable Democracy! It can be one thing to-day, another to-morrow, and all things by turns!

Mr. Chairman, I have said that the Missouri Compromise was repealed for the purpose of opening Kansas to the institution of Slavery, and that out of that act has grown the terrible excitements which have raged with such fury, not only in that Territory and along its borders, but have pervaded the whole country. Sir, there has been excitement from the day of its passage till now; and I charge it all on the Kansas and Nebraska bill, and the Administration which has undertaken to enforce it.

The men who brought forward and passed

that bill through Congress were forewarned what the consequence would be; and the troubles that have followed have gone beyond the predictions. The scene has become more bloody and terrible than even the prophets foretold. And what has this Administration done? They have folded their hands, and cried, Peace! Peace! whilst Lawrence was sacked, and its people murdered in the streets, shut up in prison without authority of law, or driven from their homes, and the whole Territory overrun and subjugated.

I might stop here, and inquire, From what source does all this flow? For what cause was this measure instituted, and all these terrible results tolerated? For what have all these proceedings been put on foot, which have covered our country with shame and disgrace? To illustrate a principle? To substantiate a dogma? To establish a proposition in ethics—in political philosophy? Do you believe the people of the South would run the risk of all this excitement—putting in jeopardy (as they say it does) their property to the amount of hundreds of millions, and hazarding the Union itself—for the simple establishment of a principle, and that principle as widely different in its interpretation, North and South, as are the poles? No, sir! This act had its origin in the desire to open the Territory of Kansas to the institution of Slavery. From the very moment it was passed, it has been the fixed and settled determination of the South, at all hazards, and at all costs, to force Slavery into that Territory; and to this unholy purpose the Democratic party North, and this Democratic Administration, are lending themselves the willing instruments. It is idle to say, sir, that men went from the North and from the East for the purpose of settling that Territory and making it a free State, and that this has been the cause of the excitement. There is no manner of doubt that they did go there for that purpose, and that other men helped them to go; and in that they were right. They went there for the purpose of legitimate settlement. But suppose it were true that this excitement was augmented by the fact that a large immigration was pouring in from the free States; no efforts to stimulate immigration would ever have been made, if you had left the Compromise of 1820 where the Compromise of 1850 had left it. But the truth is, that so soon as the Nebraska bill was passed, Atchison, Stringfellow, and their co-laborers, commenced the most extraordinary efforts to force Slavery in the Territory, and they have, thus far, been too successful. They have succeeded in planting it there, and in giving to it the sanction of law. It was these efforts that induced a countervailing movement in the free States. But the one was for honest and peaceful settlement, while the other was for the purposes of a lawless and unjustifiable usurpation.

But it may be asked, What harm did this repeal do? You admit that States may alter their Constitutions after being admitted into the Union. What difference, then, could it make? Why this ado? I answer you, that the Ordinance of '87, which was re-enacted again and again by succeeding Congresses, kept Ohio, Indiana, Illinois, Michigan, and Wisconsin, free; and that if the act

of 1820 had been left in operation during the Territorial existence of Kansas, that act would have made Kansas free. If the history of this country and its settlement proves any one fact, clearly and distinctly, it is this: that if you keep Slavery out of a section of country *while it is in a Territorial condition*, that institution will never go there; and the reason is obvious. In such a Territory, the upholders of Slavery will never be in the ascendancy; they will never take their slaves there, and so they will not have the property there which requires a slave Constitution. Give me a free Territory, and I will give you a free State.

Mr. Chairman, I come now to look for a moment or two at the Democratic platform of 1856. And what is it? The Senator from Illinois [Mr. DOUGLAS] had the honor of making his act the platform of the great Democratic party, North and South, not by laying down in distinct and emphatic terms the principles of the party, or by giving construction to that act, but by inserting the act itself in their platform bodily. This may have been wise. In that way it may be interpreted in one manner at the North, and another at the South. In the North, they proclaim it as involving the doctrine of popular sovereignty. In the South, they repudiate it, and hold that neither Congress nor the Territories can prohibit Slavery. In the South, they hold that they may take their slaves wherever they choose in the Territories. In the North, Mr. Douglas tells you that it is a *judicial question*.

I beg now to call attention to the resolutions adopted by the Democratic State Convention, held at Springfield, at which Mr. Richardson was nominated for Governor, which are as follows:

"Resolved, That the Constitution of the United States is a political contract between the people of independent sovereignties, which bestows paramount authority to the extent of the powers delegated, but leaves those not delegated to the States, respectively, or to the people. That a vigilant guard against the centralization of the reserved powers is essential to the preservation of our institutions; and that Congress has no rightful authority to establish, abolish, or prohibit Slavery in the States or Territories.

"Resolved, That the Constitution of the United States is founded upon the fundamental principle of entire and absolute equality among all the States of this Union, and it is not competent for the Congress or any other power to impose upon new States coming into the Union any condition or restrictions, in respect to their domestic institutions or internal concerns, which the Federal Constitution has not imposed upon the original States; and that any effort, on the part of Congress or any other power, to violate this principle, should be met and resisted by all good citizens, as an attempt to trample upon the Constitution and destroy our Union. That the restoration of the Missouri restriction would be a flagrant violation of the spirit of the Constitution of the United States and the principle of self-government, and would be in direct conflict with treaty stipulations and guarantees, and the right of the people of the new States to make and alter their Constitutions of Government and local institutions in their own way, subject only to the Constitution of the United States."

These resolutions assert that Congress has no authority to prohibit Slavery in the Territories, and that the restoration of the Missouri Compromise would be a "flagrant violation of the Constitution." Such is Democracy in 1856, in Illinois. Now, let us see what they thought a few years ago.

Sir, in a speech delivered at Springfield in 1849, by Mr. Douglas, he used the following language:

"In 1843, the question arose again in a new shape upon the proposition to establish a Territorial Government in

Oregon, containing a provision prohibiting Slavery in the Territory while it should remain a Territory, and leaving the people to do as they pleased, when they should be called upon to form a State Constitution, preparatory to their admission into the Union. A brief discussion took place upon this branch of the subject, eliciting very little interest, and creating no excitement, for the reason that it was well known that the people of Oregon had already established a provisional Government, in which they had unanimously prohibited and excluded the institution of Slavery, and for the further reason that the whole of the Territory was situated far north of the line known as the Missouri Compromise. The Missouri Compromise had then been in practical operation for about a quarter of a century, and had received the sanction and approbation of men of all parties, in every section of the Union. It had allayed all sectional jealousies and irritations growing out of this vexed question, and harmonized and tranquilized the whole country. It had given to Henry Clay, as its prominent champion, the proud sobriquet of the 'Great Pacificator,' and by that title, and for that service, his political friends had repeatedly appealed to the people to rally under his standard as a Presidential candidate, as the man who had exhibited the patriotism and the power to suppress an unholy and treasonable agitation, and preserve the Union. He was not aware that any man or any party, from any section of the Union, had ever urged as an objection to Mr. Clay, that he was the great champion of the Missouri Compromise. On the contrary, the effort was made, by the opponents of Mr. Clay, to prove that he was not entitled to the exclusive merit of that great patriotic measure, and that the honor was equally due to others as well as him, for securing its adoption—that it had its origin in the hearts of all patriotic men who desired to preserve and perpetuate the blessings of our glorious Union—an origin akin to that of the Constitution of the United States, conceived in the same spirit of fraternal affection, and calculated to remove forever the only danger which seemed to threaten, at some distant day, to sever the social bond of union. All the evidences of public opinion at that day seemed to indicate that this compromise had become canonized in the hearts of the American people, as a sacred thing, which no ruthless hand would ever be reckless enough to disturb."

"An origin akin to the Constitution of the United States"—"canonized in the hearts of the American people"—"and no ruthless hand ought to be reckless enough to disturb it."

I call attention now, sir, to a speech made by my colleague [Mr. RICHARDSON] on the Compromise Measures, in 1850.

I read from the *Globe*:

"There is one thing that I wish, in this connection, Mr. Chairman, to say to the gentlemen from the South and the Northern Whigs: If the bill for Territorial Governments, silent upon the subject of Slavery, shall be defeated, then I am for bills with the Wilmot Proviso, in order to give Governments to the people in the Territories; and I speak for four of my colleagues, assured that they will feel constrained to pursue a like course. And if General Taylor shall approve the Proviso, then it will have passed; and it is for them to determine what shall or shall not be done, and let the responsibility rest with them. I believe Congress has full power to pass such laws as they may think proper for the government of the Territories. There are, consequently, no constitutional difficulties in my road."

I am aware that my colleague, under the fire of the canvass for the Speakership, withdrew during this session, to some extent, what he had then said, but he did not distinctly withdraw his opinions as to the constitutional power. If he wishes to do so, let him have all the benefit of it.

Then again, in 1849, the Legislature of Illinois, at that time overwhelmingly Democratic, passed resolutions, which are to be found in the statute book of Illinois, instructing their Senators and requesting their Representatives in Congress to vote for the Wilmot Proviso.

"Resolved by the Senate of the State of Illinois, the House of Representatives concurring, That our Senators in Congress be instructed, and our Representatives requested, to use all honorable means in their power to procure the

enactment of such laws by Congress, for the government of the countries and territories of the United States acquired by the treaty of peace, friendship, limits, and settlement, with the Republic of Mexico, concluded February 2d, A. D. 1843, as shall contain the express declaration "that there shall be neither Slavery nor involuntary servitude in said territories, otherwise than in the punishment of crimes, whereof the party shall have been duly convicted."

In a speech made by Mr. Douglas, in the Senate, in referring to that resolution, he says:

"Mr. DOUGLAS. I have no desire to break loose. My opinions are my own, and I express them freely. My votes belong to those who sent me here, and to whom I am responsible. I have never differed with my constituency during seven years' service in Congress, except upon one solitary question; and even on that I have no constitutional difficulties, and have previously twice given the same vote, under peculiar circumstances, which is now required at my hands."

I come now to a resolution passed by a Congressional Convention, held in my own town, in 1850. Hear it:

"Resolved, That we are uncompromisingly opposed to the extension of Slavery; and while we would not make such opposition a ground of interference with the interests of the States where it exists, yet we moderately but firmly insist that it is the duty of Congress to oppose its extension to country now free, by all means compatible with the obligations of the Constitution, and with good faith to our sister States; that these principles were recognised by the Ordinance of 1787, which received the sanction of Thomas Jefferson, who is acknowledged by all to be the great oracle and expounder of our faith."

That Convention nominated Mr. Molony. He was elected. He came here, and served out his term. He was rewarded by Franklin Pierce with one of the best offices in our State. He was a member of the recent Cincinnati Convention, and is now running for Congress, on the Democratic ticket, in the northern district of Illinois. And yet, sir, he was elected on that very platform, that Congress had the power, and the right to exercise it, to keep Slavery out of the Territories.

Amongst the members of that Convention was the present Governor of the State of Illinois, who was one of the Vice Presidents of the recent Cincinnati Convention, and was the Democratic candidate for United States Senator, in opposition to Judge Trumbull, a little more than a year ago. And he, too, was one of the State Senators who in 1849 supported the resolution of instructions to which I have just referred. Another member of that Convention, sir, was Mr. Pierce's District Attorney for my State, Thomas Hayne.

But again, sir, at a public meeting held for two nights, in December last, by the Democracy, at the sitting of the Circuit Court in Iroquois county, in which distinguished Democrats from different portions of the State took part, and amongst them, Uri Osgood, Esq., the present Democratic candidate for Congress in my district, a string of resolutions were adopted, in which, after eulogizing the present Administration, Judge Douglas, and the Democracy, the following occurs:

"Resolved, That the Democratic party is not only opposed to the further extension of Slavery, but are now legislating against its extension."

Let it not be said that this was done in a corner. Iroquois is the banner county of the Democracy in my district—the only one which gave a majority against me. But, sir, that resolution was sanctioned by the *State Register*, the organ of the party, published at the capital of the State, in this style:

"*Democracy of Iroquois.* The Democracy of Iroquois held a large meeting at Middleport, on the 5th, which was addressed by Messrs. Osgood, Pierson, Osman, and others. Several prominent Whigs of the county participated in the meeting, and repudiated fusion and Know Nothingism, and announced their intention to act with the Democracy hereafter. A series of strong Democratic resolutions were adopted, endorsing the general policy of the Administration, and expressing a preference for Judge Douglas for the Presidency. The Democracy of Iroquois are alive to the coming contest, and will make a good report on the day of trial."

Sir, there are other proceedings of a like character in my own State, to which I intended to refer. I am sorry I have not time to read them.

I desire now, sir, to call attention to a resolution brought forward by Benjamin F. Hallett, and adopted by a State Convention of the Democracy of Massachusetts, in 1849. B. F. Hallett, it is known, is the soul and embodiment of the New England Democracy. In him they live and move, and have their being, politically. He holds a lucrative and important office under the present Administration, has long been the Chairman of the National Executive Committee, and is the author of the Cincinnati platform. Here is the Resolution:

"That we are opposed to Slavery in every form and color, and in favor of Freedom and Free Soil wherever man lives throughout God's heritage; that, by common law and common sense, as well as by the decision of the Supreme Court of the United States, the state of Slavery is a mere municipal regulation, founded upon and limited to the verge of the territorial law—that is, the limits of the State creating it; that as Slavery does not exist by any municipal law in the new Territories, and Congress has no power to institute it, the local laws of any State authorizing Slavery can never be transferred there, nor can Slavery exist there but by a local law of the Territories, sanctioned by Congress, or the legislative act of a State in its sovereign capacity; that we are opposed to the extension of Slavery to free Territories, and in favor of the exercise of all constitutional and necessary means to restrict it to the limits within which it does or may exist by the local laws of the States."

Such were the opinions of B. F. Hallett and the Massachusetts Democracy in 1849, in favor of "restricting it by all constitutional means within its present limits." Did not "treason" stalk abroad in Massachusetts then? But this is not all of the resolution; and as Mr. Hallett has censured Senator Wilson for suppressing the remainder of it, I will read it:

"But these sentiments are so universal at the North as to belong to no party, being held in common by nearly all men north of a sectional line, while they are repudiated by most men south of that line, and therefore they cannot be made a national party test."

Sir, these lines are the most important of all. The first portion declares what were the sentiments of Massachusetts; the last paragraph tells us that these sentiments were held in common by all men, of all parties, in the free States. And yet, sir, for adopting resolutions at Philadelphia, and at the State Convention at Illinois, not going one whit beyond this resolution of Mr. Hallett, or those adopted by the Democracy of Illinois five years ago, we are to be denounced as agitators, disunionists, and Black Republicans. I thank Mr. Hallett for this specimen of treason.

Mr. Chairman, James K. Polk, a Southern President, in his message to Congress on the Oregon bill, in 1848, has left on record the following remarkable concession:

"But the good genius of conciliation, which presided at the birth of our institutions, finally prevailed, and the Missouri Compromise was adopted."

"This Compromise had the effect of calming the troubled waves, and restoring peace and good will throughout the States of the Union. The Missouri question had excited intense agitation of the public mind, and threatened to divide the country into geographical parties, alienating the feelings of attachment which each portion of the Union should bear to every other. The Compromise allayed the excitement, tranquilized the popular mind, and restored confidence and fraternal feelings. *Its authors were hailed as public benefactors.*"

It is known, Mr. Chairman, that James Buchanan, in former times, gave his unqualified approval of the Missouri act; and John C. Breckinridge, associated with him on the same ticket, declared, in his eulogy pronounced in this Hall upon the death of Henry Clay, that one of the brightest jewels in that illustrious statesman's crown was his advocacy of that sacred compact.

Mr. Chairman, I have been compelled to hasten over these matters; but I believe I have redeemed my pledge, and that I have shown that the Democratic party in my own State, and throughout the Northern States at least, have changed front on this question, and that they stand convicted of the most arrant hypocrisy in denouncing as abolitionism, fanaticism, and treason, resolutions and principles which the great leader of the New England Democracy pronounced as the universal sentiment of all men, north of a certain line, only a few years ago.

The Republican party have been charged with sectionalism and disloyalty to the Union. I have but a moment more of time, and cannot go into this question. But, sir, I appeal to the platforms of that party as a sufficient refutation of the charge. The Philadelphia platform is as follows:

"2. *Resolved*, That, with our Republican Fathers, we hold it to be a self-evident truth, that all men are endowed with the undeniable right of life, liberty, and the pursuit of happiness, and that the primary object and ulterior design of our Federal Government were to secure those rights to all persons within its exclusive jurisdiction; that as our Republican Fathers, when they had abolished Slavery in all our national territory, ordained that no person should be deprived of life, liberty, or property, without due process of law, it becomes our duty to maintain this provision of the Constitution, against all attempts to violate it for the purpose of establishing Slavery in the United States, by positive legislation, prohibiting its existence or extension therein. That we deny the authority of Congress, or of a Territorial Legislature, or any individuals or association, to give legal assistance to Slavery, in any Territory of the United States, while the present Constitution shall be maintained.

"3. *Resolved*, That the Constitution confers upon Congress sovereign power over the Territories of the United States, for their government; and that, in the exercise of this power, it is both the right and the duty of Congress to prohibit in the Territories those twin relics of barbarism, Polygamy and Slavery."

The State Convention of Illinois, held in May last, at Bloomington, adopted the following resolutions:

"*Resolved*, That we hold, in accordance with the opinions and practices of all the great statesmen, of all parties, for the first sixty years of the administration of the Government, that, under the Constitution, Congress possesses full power to prohibit Slavery in the Territories; and that whilst we will maintain all the constitutional rights of the South, that Justice, Humanity, the principles of Freedom as expressed in our Declaration of Independence and our National Constitution, and the purity and perpetuity of our Government, require that power should be exerted to prevent the extension of Slavery into Territories heretofore free.

"*Resolved*, That the repeal of the Missouri Compromise

was unwise, unjust, and injurious, an open and aggravated violation of the plighted faith of the States; and that the attempts of the present Administration to force Slavery into Kansas, against the known wishes of the legal voters of that Territory, is an arbitrary and tyrannous violation of the right of the people to govern themselves; and that we will strive by all constitutional means to secure to Kansas and Nebraska the legal guarantee against Slavery, of which they were deprived at the cost of the violation of the plighted faith of the nation."

Sir, if there be either sectionalism, or abolitionism, or disloyalty to the Union, in these platforms, I confess my inability to see it. They are doctrines held and maintained by the Fathers of the Republic, and practiced upon during the first half century of our national existence.

Sir, I am a Union-loving man—my people are a Union-loving people. They are neither fanatics, nor traitors, nor abolitionists. They stand by the Union and the Constitution; but they stand by free territory, and there they will ever stand, despite all taunts and obloquy. Sir, I represent two hundred thousand freemen—as industrious, as intelligent, as brave, as loyal, as any other constituency in the Republic. The prairies they inhabit are as broad, as fertile, as magnificent, and beautiful, as any in this or other lands—interlaced with six hundred miles of railroad, and intersected by a canal unsurpassed on this Continent. Sir, these men will make no inroads upon Southern rights or Southern institutions, but they will resist, to the last, the introduction of Slavery into territory heretofore free. And, sir, I am with them. I will resist it by every power given me by the Constitution of my country.

One word more, sir, and I have done. I am in favor of the election of Colonel Fremont to the Presidency of the United States—not because of any brilliant record of past statesmanship, but for the reason that I believe he is capable and honest; that he will stand by the Constitution and the Union, and will prove faithful to the platform erected at Philadelphia. If I believed he would disregard the Constitution of my country; if I thought he would not regard the rights of the South as well as of the North; if I thought that he would be untrue to any section of the Union; if I thought that he would veer from a true construction of the Constitution, either to the right hand or to the left, to favor any section or interest—I would cut off this right arm before I would support him. Sir, I have no fears on that score. Though claiming no great fame as a statesman, Colonel Fremont, in the various and trying positions he has occupied, has ever proved equal to any emergency.

Sir, I was bred in a school that loves the Union. I love the whole Union. I stand by the Union, North and South, as the sheet-anchor of our hopes. I have no sympathy with fanaticism, North or South. I have no desire to take from the South any rights guaranteed to her by the Constitution; but I will never sacrifice those to which my own section is entitled. Sir, let justice be done; let Freedom be restored to Kansas; let us return to the principles of the early fathers—in the hope that Peace, Harmony, and Liberty, may again rejoice the hearts of all our people.